

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION
HELD TUESDAY, FEBRUARY 2, 2021, AT 5:00 P.M. THE MEETING WAS HELD
ELECTRONICALLY, WITHOUT A PHYSICAL LOCATION DUE TO THE CURRENT
COVID-19 PANDEMIC AND AS AUTHORIZED BY THE GOVERNOR'S EXECUTIVE
ORDER DATED 18 MARCH 2020**

Members Present: Mayor Pro Tempore Scott Bracken, Council Member Tali Bruce, Council Member Christine Mikell, Council Member Douglas Petersen

Staff Present: City Manager Tim Tingey, City Attorney Shane Topham, Police Chief Robby Russo, Assistant Fire Chief Riley Pilgrim, Records Culture and Human Resources Director Paula Melgar, Community/Economic Development Director Michael Johnson, Public Works Director Matt Shipp, Finance and Administrative Services Director S. Scott Jurgens, Associate City Planner/Sustainability Analyst Samantha DeSeelhorst

Excused: Mayor Mike Peterson

1. Welcome and Determination – Mayor Pro Tempore Scott Bracken.

In the absence of Mayor Peterson, Mayor Pro Tempore Scott Bracken called the meeting to order at 5:00 p.m. and welcomed those listening. He read in its entirety the declaration giving the Council the authority to hold the meeting via Zoom, pursuant to Utah Code Annotated §52-4-207(4).

2. Review of Business Meeting Agenda – Mayor Pro Tempore Scott Bracken.

Mayor Pro Tem Bracken reviewed the Business Meeting agenda. He reported that the Planned Development District (“PDD”) was remanded back to the Planning Commission to further review the language. City Manager, Tim Tingey clarified that it is important to have this item as an official decision in a Business Meeting.

Public Works Director, Matt Shipp reviewed the Consulting Agreement with Horrocks Engineering for a Transportation Master Plan. They have received input from the City Council and added this to the scope of services they are asking for moving forward.

The authorization of a CLG Grant application to the Utah Division of State History was next discussed. Mr. Tingey reported that this is an item that the Historic Committee works on yearly. It includes an inventory and evaluation with consultants to determine if there are historic structures that can be applied for as a National Historic Preservation site. This is a grant application with a request for \$10,000 with a \$10,000 match from the City. Staff recommended approval.

3. Staff Reports.

a. Gravel Pit Discussion – Community and Economic Development Director, Michael Johnson and Mr. Tim Thompson with Geostrata Engineering.

Community and Economic Development Director, Michael Johnson presented the staff report and reviewed the gravel pit property along with its constraints. Fault lines were detailed. In the area of the proposed apartments and condominiums, the hillside has been mined and needs to be reclaimed. He noted that marked water lines are not a geologic hazard or sensitive lands constraint but is certainly a site constraint. When a property or project has a sensitive lands hazard needing evaluation, the process for renewing each and what the City needs to see is included in the Sensitive Lands Evaluation and Development Standards Ordinance (“SLEDS”) and in Section 19.72 of the City Code. If any property is found to have any of the hazards described in the Ordinance, it requires a formal review process to clear them prior to moving forward. The Hazard Reports are prepared by a qualified third party and hired by the developer. As the reports are required and completed, the developer and consultants meet with the City’s Development Review Committee (“DRC”). The DRC is comprised of members of the Planning Department, the City Engineer, the Public Works Director, the members of the Fire Department and Building Department, as needed. They may also bring in outside expertise. In this case, Geostrata Engineering was asked to help with the reviews.

The northern portion of the gravel pit project was described. Mr. Johnson stated that multiple reviews and studies have been completed for the site. Staff reviewed the developer’s studies and identified deficiencies or items not covered. It has been an extensive process to this point and they are currently at the site entitlement or Master Development Plan level. The 20-acre property is divided into eight or nine different phases. He noted that a portion of the sensitive lands work has been completed. The Development Review Committee DRC has concluded that the amount of work currently completed is acceptable for this phase of the project. As each phase comes forward, the developer will be required to go through the sensitive lands review process again specific to each phase.

Mr. Johnson addressed primary hazards present at the gravel pit site, which included surface fault rupture hazards, slope stability, liquefaction potential, debris flow, and rockfall hazards. The process for mitigation was described. Once all of the hazards are cleared and the DRC is satisfied, it will move on to final review. He explained that the northern gravel pit is currently at the Master Development Plan level and ready to move forward. This process must be repeated for each phase of the project and receive formal DRC approval. Language from the written ordinance that will govern the northern gravel pit site was reviewed. Staff was comfortable with the work of the developer at this point with the understanding that more detailed engineering, studies, and designs will come forward with each phase.

Council Member Bruce asked if the SLEDS Ordinance is sufficient and understood that there should be a site-specific Ground Motion Study to ensure proper seismic design of the building. Mr. Johnson felt that the SLEDS Ordinance was sufficient and was being updated to come into compliance with any State level updated academic studies. He believed it was very thorough and

detailed. Staff and the City Engineer agree that the current Ordinance is sufficient and can be updated based on new data and information that becomes available.

Tim Thompson from Geostrata Engineering reported that when it comes to site-specific spectral accelerations from a seismic event, the 2018 International Building Code version is what the State has officially adopted. He confirmed that there is not a more up-to-date version. It allows Structural Engineers to make certain assumptions that are extremely conservative and typically tend to cause drastic structural modifications to the building. Because there is the potential for liquefaction, they have already completed site-specific borings, which is not contained in the SLEDS Ordinance because it is a part of the Building Code. Until the site is completely razed, all equipment and materials removed, and the lower the ground surface graded, the fault may be moved at whatever angle it is dipping. The developer completed trenching in 2019 and subsequently, there have been several modifications to the ground surface. He explained they then used the 1938 aerial photos that predated development on the site to track faults across the ground surface. They projected what was found in the trenches across the site. Once the property is cleared of all structures and they get to the grade where they will establish footings, there is the possibility of some unknowns. It was recommended that they address each structure. Additional trenches are dug at the footprint location of each structure to verify that their findings remain consistent with the current conditions at the time of construction. Because the buildings have yet to be designed, they do not know exactly what will work or how far the inhabitable structure will need to be from the habitable structure.

Slope stability issues were next discussed. Mr. Thompson pointed out that when addressing slope stability, there will be a 30-foot-high cut into the slope and a retaining wall five feet below the footings. He noted that the wall has yet to be designed because the building design has not yet been finalized. Retention options were described. Mr. Thompson believed the developer has addressed all hazards up until now on the concept plan. Site liquefaction levels were determined to be low although shallow groundwater was encountered during the geotechnical work. During their borings, they discovered that the soils are not prone to additional densification and are not a liquefaction hazard.

Mayor Pro Tem Bracken recognized that the SLEDS Ordinance details different items that need to be studied. How they are engineered is based on building codes and current best practices in each of the various industries. Mr. Thompson clarified that the State adopts the Building Code, which then provides guidance to the State.

Council Member Bruce asked for clarification regarding a factor of safety. She believed they were putting the cart before the horse by creating a building footprint and looking for details of the fault. Mr. Thompson explained that with slope stability modeling, there is a screening procedure that is followed as well as an industry standard. The factor of safety describes stability. They would like to see a factor of safety of 1.5, or 50% beyond the threshold between what should be stable or unstable. He worked on many difficult sites and believed there will be real limitations with the gravel pit in terms of what can be done because of the previously identified hazards.

Council Member Peterson asked if the footings and foundations of the gravel pit project are standard requirements. Mr. Thompson explained that they will be built with the current structural

standards based on the current building codes. It is possible that modifications to the structures may be necessary once they begin grading. With faults, setbacks are based on the use of the building, and occupancy is considered. He confirmed that the developer is following all current standards but will have to do some feasibility work to get the project going. As a City, they need to determine if they approve of the Concept Plan and if moved forward, additional scrutiny will need to be placed on those areas so that all lingering questions are answered.

Council Member Mikell asked for clarification regarding the procedure if an unanticipated hazard is discovered. She also asked if the site will remain as-is until approval is given to the developer. Mr. Johnson stated that any hazards modifying the structures must return and go through the entire legislative PDD process. The developer can clear the site completely but to require final site grading without any approval, the applicant would need to prepare civil plans for the entire site and essentially design the final site profile.

Council Member Mikell raised concern with the Canyon Center plan changing from their approved hotel use to another use. She asked why the City was granting approval when there may be changes. Mr. Johnson explained that the Canyon Center is a development in the Mixed-Use zone. The developers are allowed to do anything on the site that is allowed by Code. Uses include retail, a hotel, condominiums, or apartments. If approved, the plan cannot change without amending the full PDD process and development plan.

b. Sustainability Master Discussion – Associate City Planner/Sustainability Analyst, Samantha DeSeelhorst.

Mr. Tingey presented the Sustainability Master Plan and expressed gratitude to Associate City Planner and Sustainability Analyst, Samantha DeSeelhorst for her efforts. She has worked with the cities of Holladay and Millcreek on sustainability while attending their meetings and providing updates.

Ms. DeSeelhorst provided an update on the Community Renewable Energy Program, also referred to as House Bill 411. The program originated from legislation from the 2019 Utah Legislative session and creates a way for communities to provide an option of net 100% renewable energy to their community members through a partnership with Rocky Mountain Power. She explained that the participating communities will still be connected to a standard electrical grid but their annual electricity consumption will be offset by the production of renewable resources. Requirements for program participation were described. She confirmed that they have outlined 2023 as a potential start date. Participants will sign a Governance Agreement outlining various processes. It must be a single agreement that all communities can sign to create a unified program structure.

Program costs were outlined. Ms. DeSeelhorst reported that the Governance Agreement draft proposes costs that are separated into non-noticing and noticing costs. Non-noticing costs include a Community Expert, the Rocky Mountain Power Application Fee, and the Office of Consumer Services Division of Public Utilities Expert. The agreement proposes these fees be split among participating communities using a formula based on a 50% electricity load and 50% population. Noticing costs cover the opt-out notices that are physically mailed to every Rocky Mountain Power customer in participating community boundaries. She emphasized the importance of recognizing

that non-noticing costs are paid by participating communities and not shifted to Rocky Mountain Power customers in participating communities. The estimated total for all participating communities was \$700,000. Ms. DeSeelhorst explained that if using the formula, a derived estimate for Cottonwood Heights would total approximately \$22,000 with noticing costs of \$11,000. The non-noticing total could be split and paid over two fiscal years and gives the City the option of participating and offering community members the opportunity to participate. Two informational sessions were to be held on February 17, 2020.

City Hall solar was next discussed. As directed by the City Council, quotes were obtained for a solar array on City Hall with a cost of \$266,000 to \$530,000 with varying offset percentages of 50% to 64%. This is a decrease from those received in 2019. Ms. DeSeelhorst stated that they represent a potential electrical savings of \$19,000 to \$26,000 annually. Council Member Mikell agreed to meet with Ms. DeSeelhorst to help clarify budgetary questions and present them to the Council prior to the upcoming Retreat.

Ms. DeSeelhorst explained that the Interlocal Sustainability Action Plan is an effort within the Tri-City Region to come up with a Master Plan that will direct sustainability efforts and create cohesion. They have met with staff from each City as well as community partners and non-profits to create a draft that is intended to serve as a tool for upcoming future decisions. Feedback was received on several iterations of the plan that will be incorporated. Council Member Bruce recommended approval of the plan and suggested stronger language be incorporated.

Mayor Pro Tem Bracken expressed appreciation to Ms. DeSeelhorst for her efforts.

c. Historic Committee Certified Local Government Grant 2020-2021 – City Manager, Tim Tingey.

Mr. Tingey reported that staff is requesting approval from the City Council to submit a grant application through the Certified Local Government grant process administered by the State of Utah's Division of History. It allows consultants to conduct an evaluation of homes in the community as identified in the grant application. The grant is for \$10,000 and includes a \$10,000 match from the City.

d. Budget Schedule Review – Finance and Administrative Services Director, Scott Jurges.

Finance and Administrative Services Director, Scott Jurges, presented the budget schedule review, which outlines expectations as they prepare the budget. Meetings with various committees were included. Mr. Jurges reported that the five-year budgetary plan will be prepared to present at the Council Retreat and will likely include the City comparison plan as well. Mr. Tingey will meet with individual department heads to review the various requests to determine if adjustments or clarifications need to be made. Compensation will be reviewed with help from Human Resources Director, Tim Tingey, and the Compensation Committee. The proposed budget will be outlined on April 23, 2020, and developed into what will ultimately become the Tentative Budget. The Tentative Budget will be accepted at the first meeting in May and on display for the public. A public hearing was scheduled for June 1, 2020, however, adoption may not take place at that time.

If the plan includes no tax increase, they will adopt the budget by June 21, 2020, and set the tax rate at that time.

Mayor Pro Tem Bracken confirmed that he and Council Member Mikell will attend the Budget Committee Meetings while Council Members Petersen and Bruce will attend the Compensation Committee Meetings.

4. Review of Calendars and Upcoming Events.

- a. **February 4 at 9:00 a.m. – City Council Legislative Work Session on Zoom.**
- b. **February 10 at Noon – City Council Retreat Work Session on Zoom.**
- c. **February 11 at 9:00 a.m. – City Council Legislative Work Session on Zoom.**
- d. **February 18 at 9:00 a.m. – City Council Legislative Work Session on Zoom.**
- e. **February 25 at 9:00 a.m. – City Council Legislative Work Session on Zoom.**
- f. **March 4 at 9:00 a.m. – City Council Legislative Work Session on Zoom.**

5. Possible Closed Meeting to Discuss Litigation, Property Acquisition, and/or the Character and Professional Competence or Physical or Mental Health of an Individual.

There was no closed meeting.

6. Adjourn City Council Work Session.

MOTION: Council Member Bruce moved to adjourn. The motion was seconded by Council Member Petersen. The motion passed with the unanimous consent of the Council.

The Work Session adjourned at 6:38 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING
HELD TUESDAY, FEBRUARY 2, 2021, AT 7:00 P.M. THE MEETING WAS HELD
ELECTRONICALLY, WITHOUT A PHYSICAL LOCATION DUE TO THE CURRENT
COVID-19 PANDEMIC AND AS AUTHORIZED BY THE GOVERNOR'S EXECUTIVE
ORDER DATED 18 MARCH 2020**

Members Present: Mayor Pro Tempore Scott Bracken, Council Member Tali Bruce, Council Member Christine Mikell, Council Member Douglas Petersen

Staff Present: City Manager Tim Tingey, City Attorney Shane Topham, Police Chief Robby Russo, Assistant Fire Chief Riley Pilgrim, Records Culture and Human Resources Director Paula Melgar, Community/Economic Development Director Michael Johnson, Public Works Director Matt Shipp, Finance and Administrative Services Director S. Scott Jorges

Excused: Mayor Mike Peterson

1.0 WELCOME AND DETERMINATION

1.1 The Mayor, as Chair of the City Council, will read the Written Determination Concerning an Anchor Location for this Electronic Meeting During the Current Pandemic, Pursuant to Utah Code Ann. 52-4-207(4).

In the absence of Mayor Mike Peterson, Mayor Pro Tempore Scott Bracken called the meeting to order at 7:00 p.m. He read in its entirety the determination giving the Council the authority to hold the meeting via Zoom, pursuant to Utah Code Annotated §52-4-207(4).

2.0 PLEDGE AND ACKNOWLEDGEMENTS

The Pledge of Allegiance was led by Council Member Petersen.

3.0 CITIZEN COMMENTS

Tim Hallbeck suggested that the City's budget remain as conservative as possible and that the Council not plan on large expenditures such as the proposed solar panels. He believed there are several small things and normal events that will not take place. He cautioned against overspending.

Kasey Payzant asked for clarification regarding Special Use Permits and when the City might be accepting applications. Mr. Tingey responded that due to COVID-19, the City has yet to determine when they will allow them at this point. Ms. Payzant contacted the Salt Lake County Health Department and submitted a COVID-19 Action Plan. She received their approval and permission to proceed with her event.

Deborah Case recognized that the City is considering the Below Market Rate requirements for the north gravel pit and asked if the amendments will be isolated to just that development or set a precedent for all future PDDs. Mayor Pro Tem Bracken stated that there are currently two before

the Council with one being specific to the north gravel pit and another that would be applicable to all future zones.

4.0 ACTION ITEMS

4.1 Discussion of Proposed Amendments to Code Section 19.51.060(12) Concerning Affordable Housing Requirements in the PDD Zone and Possible Remand of the Same to the Planning Commission for Further Consideration and Action.

Mayor Pro Tem Bracken reported that the above item is for proposed amendments to Code Section 19.51.060(12) concerning affordable housing requirements in the PDD Zone and possible remand of the same to the Planning Commission for further consideration and action.

Mr. Johnson reported that it pertains to the applicant-initiated text amendment that would apply to all PDD zones City-wide in the future to amend the affordable housing provision. The City Council discussed remanding consideration back to the Planning Commission to receive a recommendation on the specific proposal at hand. This action would involve a formal vote to remand the matter back to the Planning Commission. Staff was prepared and will have noticed the matter for public hearing at the next Planning Commission Meeting if approved. He clarified that it is not retroactive and does not apply to previously approved projects.

MOTION: Council Member Bruce moved to approve the remanding of the proposed amendment to Code Section 19.51.060(12) to the Planning Commission for further consideration and action. The motion was seconded by Council Member Petersen. The motion passed with the unanimous consent of the Council.

4.2 Consideration of Resolution 2021-03 Approving a Consulting Agreement with Horrocks Engineering for Professional Services Concerning a Transportation Master Plan.

Mayor Pro Tem Bracken reported that the above Resolution approves a Consulting Agreement with Horrocks Engineering for professional services pertaining to a Transportation Master Plan.

Public Works Director, Matt Shipp presented an overview and stated that a Transportation Master Plan is a way to develop a plan for the City to address future growth and all transportation modes. The plan allows them to work with developers, residents, City staff, and the City Council as they make future plans for roads, trails, bicycle paths, and sidewalks. The Master Plan is a tool to implement the City's current General Plan.

MOTION: Council Member Bruce moved to approve Resolution 2021-03. The motion was seconded by Council Member Petersen. Vote on motion: Mayor Pro Tempore Scott Bracken-Aye, Council Member Mikell-Aye, Council Member Bruce-Aye, Council Member Petersen-Aye. The motion passed unanimously.

4.3 Consideration of Resolution 2021-04 Authorizing CLG Grant Application to the Utah Division of State History.

Mayor Pro Tem Bracken reported that the above Resolution authorizes a CLG Grant application to the Utah Division of State History.

Mr. Tingey reported that the Resolution was initiated by the Historic Committee for a Certified Local Government Grant and administered through the State of Utah History Division. A Consultant would be hired to complete an assessment to determine if properties are eligible to be placed on the National Historic Register. That information would also be provided to property owners. It would include a \$10,000 grant in addition to the already budgeted \$10,000 match from Cottonwood Heights. Staff recommended approval.

MOTION: Council Member Bruce moved to approve Resolution 2021-04. The motion was seconded by Council Member Petersen. Vote on motion: Mayor Pro Tempore Scott Bracken-Aye, Council Member Mikell-Aye, Council Member Bruce-Aye, Council Member Petersen-Aye. The motion passed unanimously.

5.0 CONSENT CALENDAR

5.1 Approval of the City Council Work Session and Business Meeting Minutes for January 19, 2021.

MOTION: Council Member Mikell moved to approve the City Council Work Session and Business Meeting minutes for January 19, 2021. The motion was seconded by Council Member Bruce. The motion passed with the unanimous consent of the Council.

6.0 ADJOURN CITY COUNCIL BUSINESS MEETING.

MOTION: Council Member Bruce moved to adjourn the City Council Business Meeting. The motion was seconded by Council Member Mikell. The motion passed with the unanimous consent of the Council.

The meeting adjourned at 7:23 p.m.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Council Work and Business Meetings held Tuesday, February 2, 2021.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: February 16, 2021